

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of
KOJIMA et al.

Appln. No.: 09/658,501

Filed: September 8, 2000

For: SEMICONDUCTOR MANUFACTURING SYSTEM HAVING A VAPORIZER
WHICH EFFICIENTLY VAPORIZES A LIQUID MATERIAL

Confirmation No.: 3068

Group Art Unit: 1763

Examiner: K. MOORE

RECEIVED

OFFICE OF PETITIONS

DEC 30 2004

* * *

December 23, 2004

PETITION TO WITHDRAW ABANDONMENT UNDER 37 C.F.R. § 1.181(a)

Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment, dated July 15, 2003, Applicants' respectfully requests withdrawal of the abandonment under 37 C.F.R. § 1.181(a). The Notice stated that the application was abandoned for "[a]pplicant's failure to timely file a proper reply to the Office letter mailed on 10/22/02." The Notice further stated that "[a] proposed reply was received on 2/24/03, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection." A copy of the Notice is attached hereto as Exhibit 1. Applicants respectfully submit that a proper reply to the 10/22/02 Office Action was submitted in a timely manner.

On April 17, 2003, Applicants filed a Request for Continued Examination (RCE) Under Rule 114, along with a Petition to extend the original due date. The RCE requested entry of the Amendment filed on February 24, 2003. A copy of the RCE and transmittal documents is attached hereto as Exhibit 2. The stamped postcard acknowledging receipt of the RCE by the Patent Office is attached hereto as Exhibit 3.

Applicants respectfully submit that Applicants have timely responded to the Office Action in a timely manner.

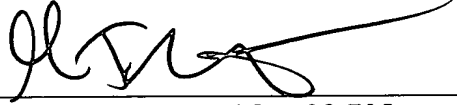
On July 15, 2003, Applicants received the Notice of Abandonment. On July 15, 2003, applicants filed a Request for Withdrawal of Notice of Abandonment. A copy of the Request is attached hereto as Exhibit 4. The stamped postcard acknowledging receipt of the Request by the Patent Office is attached hereto as Exhibit 5. The Request was filed in a timely manner. Applicants received no response from the Patent Office to the Request. On May 6, 2004, applicants filed a Status Inquiry requesting the status of the application since some ten months had passed since the filing of the Request. A copy of the Status Inquiry is attached as Exhibit 6. The stamped postcard acknowledging receipt of the Status Request by the Patent Office is attached hereto as Exhibit 7. To date, applicants have received no response to the Status Inquiry from the Patent Office. On December 2, 2004, applicants' representative contacted Examiner Moore regarding the status of the application. Examiner Moore indicated that there was no record of the filing of the RCE or subsequent requests. Examiner Moore suggested that applicants' representative contact the Office of Petitions regarding the status of the application. On December 7th, applicants undersigned representative contacted the Office of Petitions regarding the present application. Clifford Congo of the Office of Petitions recommended filing another Petition to Withdrawal the Holding of Abandonment.

Applicants respectfully submit that Applicants have complied with all outstanding requirements to the October 22, 2002 Office Action in a timely manner. Accordingly, the holding of abandonment is in error and should be withdrawn. Applicants believe that no fee is due for the filing of this Petition. In the event, the Patent Office deems that a petition fee is necessary for this Petition to be promptly considered, applicants authorize

the Commissioner to charge the petition fee as set forth in 37 CFR 1.17(h) to Deposit
Account No. 03-3975 under Order No. 40258/273851.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 

Glenn T. Barrett, Reg. No.: 38,705

Tel. No.: (703) 905-2011

Fax No.: (703) 905-2500

gbarrett@pillsburywinthrop.com

GTB

Attachments:

Exhibits 1-7

Post Office Box 10500
McLean, VA 22102
(703) 905-2000

EXHIBIT 1

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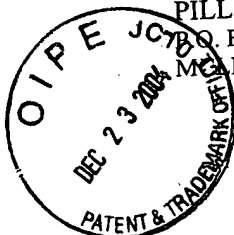


UNITED STATES PATENT AND TRADEMARK OFFICE

40258/27351
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,501	09/08/2000	Yasuhiko Kojima	PM 273851 EL00018CDC	3068

909 7590 07/15/2003
PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102



EXAMINER

MOORE, KARLA A

ART UNIT	PAPER NUMBER
----------	--------------

1763

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
PILLSBURY WINTHROP LLP/VA

JUL 16 2003

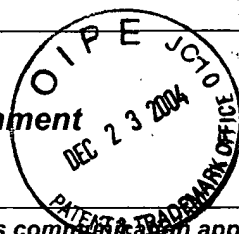
RECEIVED

DEC 30 2004

OFFICE OF PETITIONS

CL 40258 MT# 273851
ATTY(S) DAL
DUE: 9-15-03
DKT BY (1) DLW (2) GA

Notice of Abandonment



Application No.

09/658,501

Examiner

Karla Moore

Applicant(s)

KOJIMA ET AL.

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

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DEC 30 2004

OFFICE OF PETITIONS

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 10/22/02.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____) which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 2/24/03, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

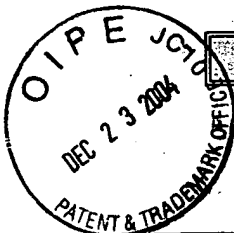
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

primary Examiner
P. Hanning-Judd
1767

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

EXHIBIT 2

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**RECEIPT FROM PTO FOR INDICATED ITEMS****RECEIVED**

(Do NOT Use for New or Continuing Applications of Any Kind)
Use 2 postcards for all New Applns. (cont/Div/CIP, too)
Use this sheet when filing CPA

DEC 30 2004

OFFICE OF PETITIONS

Appln. No: 09/658,501	Atty: Dale S. Lazar/VPH:K.S. Hines
First Inventor: KOJIMA et al.	Date: April 17, 2003
SEMICONDUCTOR MANUFACTURING SYSTEM HAVING A VAPORIZER WHICH EFFICIENTLY VAPORIZES A LIQUID MATERIAL	Matter No: 273851
	Client No: 40258

ENCLOSED:

- ☐ Response/Amendment ☐ Appendix ☐ Cover Sheet ☐ Cited/Listed Documents
- ☐ Completion Request for R 53(f)/PCT Nat.

No. of Pages Abstract

No. of Pages Spec and Claims

No. of Numbered Claims Only# No. of Sheets of Drawings (Figs)

☐ 1 Set Formal ☐ 1 Set Informal ☐ Cover Letter

☐ Declaration # of pages

☐ Assignment ☐ Cover Sheet

☐ Small Entity Declaration

☐ Extension Petition (PAT-111)

☐ No. of Priority Documents

☐ IDS Letter ☐ Cited Appln(s) ☐ Foreign Sch Rep/OA

☐ PTO-1449 ☐ Cited Documents

☐ Issue Fee Transmittal Form PTOL-85(b) in duplicate

\$ Amount Requested be Charged to our Dep. Acct. No. 03-3975

OTHER:

Current DUE DATE:

(Submit Single Copy Only)

Inventor(s): KOJIMA et al.

Appl. No.: 09

658,501

Series Code ↑

Serial No. ↑

Filed: September 8, 2000

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

REPLY/AMENDMENT/LETTER

Group Art Unit 1763

Examiner: Moore, Karla

Atty. Dkt. P 273851

EL00018CDC

M#

Client Ref

Appl. Title: SEMICONDUCTOR MANUFACTURING
SYSTEM HAVING A VAPORIZER
WHICH EFFICIENTLY VAPORIZES A
LIQUID MATERIAL**RECEIVED**

Date: April 17, 2003

DEC 30 2004

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim

- A. ☒ NOT made
B. ☐ Withdrawn
C. ☐ made herewith
D. ☐ made previously

For B & C
See Required
Separate Paper
(Pat-256)

Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims	23	**minus 23 0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims	4	***minus 4 0	x \$84/\$42 =	+ \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application)			add	+ \$280/\$140 =	+ \$0 104/204
5. Original due Date: January 22, 2003			<input type="checkbox"/> NONE		
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached			(1 mo) \$110/\$55 = (2 mos) \$410/\$205 = (3 mos) \$930/\$465 = (4 mos) \$1,450/\$725 = (5 mos) \$1,970/\$985 =	+ \$930	115/215 116/216 117/217 118/218 128/228
7. Enter any previous extension fee paid since above original due date and subtract			- \$110		
8.			Extension Fee	+ \$820	
9. If Terminal Disclaimer attached, add Rule 20(d) official fee			+ \$110/\$55	+ \$0	148/248
10. If IDS attached requires Official Fee under Rule 97 (c),			add + \$180	+ \$0	126
or if Rule 97(d) Request			add + \$180		126
11. After-Final Request Fee per rules 129(a) and 17(r)			+ \$750/370	+ \$0	146/246
12. No. of additional inventions for examination per Rule 129(b)			x \$750/375 ea	+ \$0	149/249
13. Request for Continued Examination (RCE)			+ \$750/375	+ \$750	1179/1279
14. Petition fee for				+ \$1570	
TOTAL FEE =				\$1570	

15.

16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

**PLEASE CHARGE
OUR DEP. ACCT**

Our Deposit Account No. 03-3975)

(Our Order No. 40258

273851

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

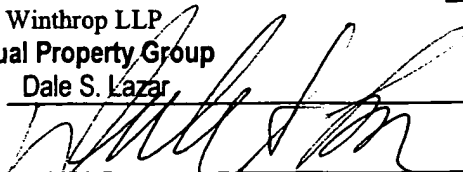
This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP
Intellectual Property Group

By Atty: Dale S. Lazar

Sig:



Reg. No. 28872

P.O. Box 10500
McLean, VA 22102
Tel: (703) 905-2000

Fax: (703) 905-2500
Tel: (703) 905-2126

Atty/Sec: DSL/VPH:ksh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT
APPLICATION

In re: PATENT APPLICATION of:

Inventor(s): KOJIMA et al.

Appln. No.: 09 658,501

Series Code ↑ Serial No. ↑

Filed: September 8, 2000

Title: SEMICONDUCTOR MANUFACTURING
SYSTEM HAVING A VAPORIZER WHICH
EFFICIENTLY VAPORIZES A LIQUID
MATERIAL

Group Art Unit 1763

Examiner: Karla A. Moore

Atty. Dkt. P 273851

EL00018CDC

M#

Client Ref

R
R C E
EDO NOT USE FOR PROVISIONAL,
DIVISIONAL, CIP OR DESIGN
APPLICATIONS, OR REEXAMINATION OF
PATENTSHon. Commissioner of Patents
Washington, D.C. 20231

Date: April 17, 2003

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER RULE 114

RECEIVED

DEC 30 2004
OFFICE OF PETITIONS

Please continue the examination of this application.

PREREQUISITESThis application was filed on/after June 8, 1995, is not abandoned, and no court action has been filed, or if filed, it has been terminated.An issue fee has not been paid (unless a petition under Rule 313(c)(2) is also being filed -- see item 4 below).Prosecution has been closed as defined in Rule 114(b).Reply to any outstanding action must be enclosed or previously filed.

This application is entitled under Rule 114 to withdrawal of any outstanding finality or of any allowance plus a new action by the Examiner. Consideration on the merits of each submission (e.g., IDS, Amendment, new arguments, new evidence, but not appeal/reply briefs themselves) filed herewith is respectfully requested.

Please consider the following before the next Official Action:

1. Please ☒ enter ☐ do not enter the Amendment filed February 24, 2003
2. ☐ The enclosed new Amendment
3. ☐ Consider the arguments in the appeal brief filed _____ and reply brief filed _____
4. ☐ The issue fee has been paid, but this RCE is based on Rule 313(c)(2). See enclosed petition.
5. ☐ The enclosed Information Disclosure Statement
☐ IDS Letter ☐ Cited Appln ☐ Foreign Search Report/OA
☐ PTO-1449 ☐ Cited Documents
6. ☐ Please suspend action under Rule 103(c) for a period of _____ months (3 mos. Max) for which charge the required \$130 fee (fee code 098) to our Deposit Account (see below).
7. Petition is hereby made to extend the original due date of _____ to cover the (1 mo) \$110/\$55
date this Request is filed. PLEASE CHARGE the requisite fee to our Deposit (2 mos) \$410/\$205 + 0
Account (see below) (3 mos) \$930/\$465
8. PLEASE CHARGE the Rule 17(e) (RCE) filing fee of ☒ \$750 (lg. ent.) ☐ \$375 (sm. ent.) plus any
deficiency and any other fee due now or later to our Deposit
Account No. 03-3975 under Order No. 40258 / 273851

NOTE: Rule 17(e) filing fee Cannot be deferred!
NO CLAIMS FEE REQUIRED unless you are
adding claims by box 2 Amendment in which case
cover this with PAT-120.P.O. Box 10500
McLean, VA 22102(703) 905-2000
Atty/Sec: DSL/kshPillsbury Winthrop LLP
Intellectual Property Group

By Atty: Dale S. Lazar

Sig:

Reg. No. 28872

Fax: (703) 905-2500
Tel: (703) 905-2126

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT
APPLICATION

In re: PATENT APPLICATION of:

Inventor(s): KOJIMA et al.

Appln. No.: 09 658,501

Series Code ↑ Serial No. ↑

Group Art Unit 1763

Examiner: Karla A. Moore

Atty. Dkt. P 273851

EL00018CDC

M#

Client Ref

Filed: September 8, 2000

Title: SEMICONDUCTOR MANUFACTURING
SYSTEM HAVING A VAPORIZER WHICH
EFFICIENTLY VAPORIZES A LIQUID
MATERIALR
R C E
EDO NOT USE FOR PROVISIONAL,
DIVISIONAL, CIP OR DESIGN
APPLICATIONS, OR REEXAMINATION OF
PATENTSHon. Commissioner of Patents
Washington, D.C. 20231

Date: April 17, 2003

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER RULE 114

RECEIVED

DEC 30 2004

OFFICE OF PETITIONS

Please continue the examination of this application.

PREREQUISITES

This application was filed on/after June 8, 1995, is not abandoned, and no court action has been filed, or if filed, it has been terminated.

An issue fee **has not been** paid (unless a petition under Rule 313(c)(2) is also being filed -- see item 4 below).**Prosecution has been closed as defined in Rule 114(b).****Reply to any outstanding action must be enclosed or previously filed.**

This application is entitled under Rule 114 to withdrawal of any outstanding finality or of any allowance plus a new action by the Examiner. Consideration on the merits of each submission (e.g., IDS, Amendment, new arguments, new evidence, but not appeal/reply briefs themselves) filed herewith is respectfully requested.

Please consider the following before the next Official Action:

1. Please ☒ enter ☐ do not enter the Amendment filed February 24, 2003
2. ☐ The enclosed new Amendment
3. ☐ Consider the arguments in the appeal brief filed _____ and reply brief filed _____
4. ☐ The issue fee has been paid, but this RCE is based on Rule 313(c)(2). See enclosed petition.
5. ☐ The enclosed Information Disclosure Statement
☐ IDS Letter ☐ Cited Appln ☐ Foreign Search Report/OA
☐ PTO-1449 ☐ Cited Documents
6. ☐ Please suspend action under Rule 103(c) for a period of _____ months (3 mos. Max) for which charge the required \$130 fee (fee code 098) to our Deposit Account (see below).
7. Petition is hereby made to extend the original due date of _____ to cover the (1 mo) \$110/\$55
date this Request is filed. PLEASE CHARGE the requisite fee to our Deposit (2 mos) \$410/\$205 + 0
Account (see below) (3 mos) \$930/\$465
8. PLEASE CHARGE the Rule 17(e) (RCE) filing fee of ☒ \$750 (lg. ent.) ☐ \$375 (sm. ent.) plus any deficiency and any other fee due now or later to our Deposit Account No. 03-3975 under Order No. 40258 / 273851

NOTE: Rule 17(e) filing fee Cannot be deferred!
NO CLAIMS FEE REQUIRED unless you are adding claims by box 2 Amendment in which case cover this with PAT-120.Pillsbury Winthrop LLP
Intellectual Property GroupP.O. Box 10500
McLean, VA 22102

By Atty:

Dale S. Lazar

Reg. No. 28872

Sig:

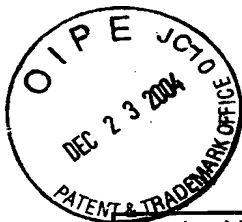
Fax: (703) 905-2500

Tel: (703) 905-2126

(703) 905-2000
Atty/Sec: DSL/ksh

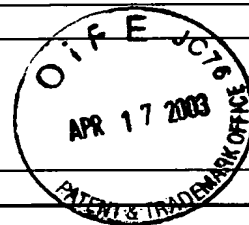
EXHIBIT 3

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**RECEIPT FROM PTO FOR INDICATED ITEMS**

(Do NOT Use for New or Continuing Applications of Any Kind)
Use 2 postcards for all New Applns. (cont/Div/CIP, too)
Use this sheet when filing CPA

Appln. No: 09/658,501	Atty: Dale S. Lazar/VPH:K.S. Hines
First Inventor: KOJIMA et al.	Date: April 17, 2003
SEMICONDUCTOR MANUFACTURING SYSTEM HAVING A VAPORIZER WHICH EFFICIENTLY VAPORIZES A LIQUID MATERIAL	Matter No: 273851
	Client No: 40258

**ENCLOSED:**

- ☐ Response/Amendment ☐ Appendix ☐ Cover Sheet ☐ Cited/Listed Documents
☐ Completion Request for R 53(f)/PCT Nat.

- # No. of Pages Abstract
No. of Pages Spec and Claims
No. of Numbered Claims Only
No. of Sheets of Drawings (Figs)

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OFFICE OF PETITIONS

- ☐ 1 Set Formal ☐ 1 Set Informal ☐ Cover Letter
- ☐ Declaration ☐ # of pages
☐ Assignment ☐ Cover Sheet
☐ Small Entity Declaration
☐ Extension Petition (PAT-111)
- # ☐ No. of Priority Documents
- ☐ IDS Letter ☐ Cited Appln(s) ☐ Foreign Sch Rep/OA
☐ PTO-1449 ☐ Cited Documents
☐ Issue Fee Transmittal Form PTOL-85(b) in duplicate
- \$ 1,570.00 Amount Requested be Charged to our Dep. Acct. No. 03-3975

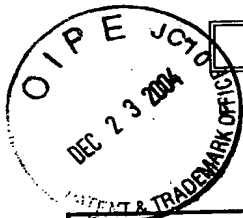
OTHER:

REQUEST FOR CONTINUED EXAMINATION (RCE)**Current DUE DATE:** April 22, 2003

(Submit Single Copy Only)

EXHIBIT 4

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**RECEIPT FROM PTO FOR INDICATED ITEMS**

(Do NOT Use for New or Continuing Applications of Any Kind)
Use 2 postcards for all New Applns. (cont/Div/CIP, too)
Use this sheet when filing CPA

Appln. No: 09/658,501	Atty: Dale S. Lazar/joyce hill
First Inventor: KOJIMA et al.	Date: July 21, 2003
SEMICONDUCTOR MANUFACTURING SYSTEM HAVING A VAPORIZER WHICH EFICIENTLY VAPORIZES A LIQUID MATERIAL	Matter No: 273851
	Client No: 40258

ENCLOSED:

- ☐ Response/Amendment ☐ Appendix ☐ Cover Sheet ☐ Cited/Listed Documents
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☐ Declaration ☐ # of pages

☐ Assignment ☐ Cover Sheet

☐ Small Entity Declaration

☐ Extension Petition (PAT-111)

☐ No. of Priority Documents

☐ IDS Letter ☐ Cited Appln(s) ☐ Foreign Sch Rep/OA

☐ PTO-1449 ☐ Cited Documents

☐ Issue Fee Transmittal Form PTOL-85(b) in duplicate

\$ 0 Amount Requested be Charged to our Dep. Acct. No. 03-3975

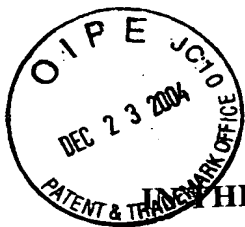
OTHER:

REQUEST FOR WITHDRAWAL OF NOTICE OF ABANDONMENT; PHOTOCOPIES
OF RCE FILED APRIL 17, 2003 WITH DATE STAMPED RECEIPT

Current DUE DATE:July 21, 2003

(Submit Single Copy Only)

RECEIVED
DEC 30 2004
OFFICE OF PETITIONS



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

KOJIMA et al.

Group Art Unit: 1763

Appln. No.: 09/658,501

Examiner: Moore, Karla

Filed: September 8, 2000

FOR: SEMICONDUCTOR MANUFACTURING SYSTEM HAVING A VAPORIZER
WHICH EFFICIENTLY VAPORIZES A LIQUID MATERIAL

* * * * *

July 21, 2003

REQUEST FOR WITHDRAWAL OF NOTICE OF ABANDONMENT

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

DEC 30 2004

OFFICE OF PETITIONS

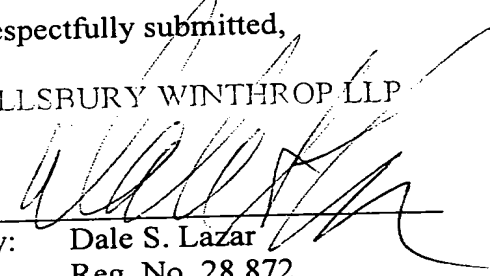
Sir:

Applicant received the enclosed Notice of Abandonment, mailed on July 15, 2003, citing failure to timely file a proper reply to the outstanding Office Action dated October 22, 2002. In fact, Applicant filed an Request for Continued Examination (RCE) on April 17, 2003, a copy of which, together with a copy of the date-stamped PTO receipt, are attached to this request.

Applicant respectfully requests that the RCE be entered for consideration by the Examiner and that the Notice of Abandonment be withdrawn as soon as possible.

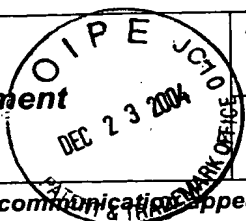
Respectfully submitted,

PILLSBURY WINTHROP LLP

By: 
Dale S. Lazar
Reg. No. 28,872
Tel. No.: (703) 905-2126
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DSL/jrh
1600 Tysons Boulevard
McLean, Virginia
U.S.A. 22102
(703) 905-2000

Notice of Abandonment



Application No.

09/658,501

Examiner

Karla Moore

Applicant(s)

KOJIMA ET AL.

Art Unit

1763

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

RECEIVED

DEC 30 2004

OFFICE OF PETITIONS

This application is abandoned in view of:

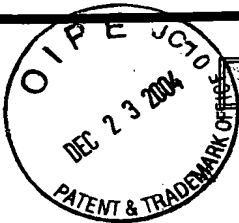
1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 10/22/02.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 2/24/03, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

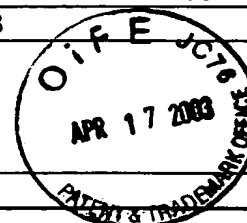
primary Examiner
P. Hanning-Jack
1763

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

**RECEIPT FROM PTO FOR INDICATED ITEMS**

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Use 2 postcards for all New Applns. (cont/Div/CIP, too)
Use this sheet when filing CPA

Appln. No: 09/658,501	Atty: Dale S. Lazar/VPH:K.S. Hines
First Inventor: KOJIMA et al.	Date: April 17, 2003
SEMICONDUCTOR MANUFACTURING SYSTEM HAVING A VAPORIZER WHICH EFFICIENTLY VAPORIZES A LIQUID MATERIAL	Matter No: 273851
	Client No: 40258

**ENCLOSED:**

☐ Response/Amendment ☐ Appendix ☐ Cover Sheet ☐ Cited/Listed Documents

☐ Completion Request for R 53(f)/PCT Nat.

No. of Pages Abstract

No. of Pages Spec and Claims

No. of Numbered Claims Only

No. of Sheets of Drawings (Figs

☐ 1 Set Formal ☐ 1 Set Informal ☐ Cover Letter

☐ Declaration ☐ # of pages

☐ Assignment ☐ Cover Sheet

☐ Small Entity Declaration

☐ Extension Petition (PAT-111)

☐ No. of Priority Documents

☐ IDS Letter ☐ Cited Appln(s) ☐ Foreign Sch. Rep./L.A.

☐ PTO-1449 ☐ Cited Documents

☐ Issue Fee Transmittal Form PTOL-85(b) in duplicate

\$ 1,570.00 Amount Requested be Charged to our Dep. Acct. No. 03-3975

OTHER:

REQUEST FOR CONTINUED EXAMINATION (RCE)

Current DUE DATE: April 22, 2003

(Submit Single Copy Only)

Inventor(s): KOJIMA et al.

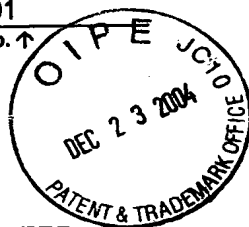
Appln. No.: 09

Series Code ↑

658,501

Serial No. ↑

Filed: September 8, 2000

Hon. Commissioner of Patents
Washington, D.C. 20231

Group Art Unit 1783

Examiner: Moore, Karla

Atty. Dkt. P

273851

EL00018CDC

M#

Client Ref

Appln. Title:

SEMICONDUCTOR MANUFACTURING
SYSTEM HAVING A VAPORIZER
WHICH EFFICIENTLY VAPORIZES A
LIQUID MATERIAL

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Sir:

REPLY/AMENDMENT/LETTER

Date: April 17, 2003

DEC 30 2004

OFFICE OF PETITIONS

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim

- A. ☒ NOT made
B. ☐ Withdrawn
C. ☐ made herewith
D. ☐ made previously

For B & C
See Required
Separate Paper
(Pat-256)

Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims	23	**minus 23	0	x \$18/\$9 = + \$0	103/203
3. Independent Claims	4	***minus 4	0	x \$84/\$42 = + \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application)				+ \$280/\$140 = + \$0	104/204
5. Original due Date: January 22, 2003	<input type="checkbox"/> NONE				
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached	(1 mo) (2 mos) (3 mos) (4 mos) (5 mos)	\$110/\$55 = \$410/\$205 = \$930/\$465 = \$1,450/\$725 = \$1,970/\$985 =	+ \$930		115/215 116/216 117/217 118/218 128/228
7. Enter any previous extension fee paid since above original due date and subtract		- \$110			
8. Extension Fee				+ \$820	
9. If Terminal Disclaimer attached, add Rule 20(d) official fee		+ \$110/\$55		+ \$0	148/248
10. If IDS attached requires Official Fee under Rule 97 (c),		+ \$180		+ \$0	126
or if Rule 97(d) Request		+ \$180			126
11. After-Final Request Fee per rules 129(a) and 17(r)		+ \$750/370		+ \$0	146/246
12. No. of additional inventions for examination per Rule 129(b)		x \$750/375 ea		+ \$0	149/249
13. Request for Continued Examination (RCE)		+ \$750/375		+ \$750	1179/1279
14. Petition fee for				+ \$1570	

TOTAL FEE = \$1570

PLEASE CHARGE
OUR DEP. ACCT

15.

16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

Our Deposit Account No. 03-3978

(Our Order No. 40258

273851

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP
Intellectual Property Group

By Atty: Dale S. Lazar

Sig:

Reg. No. 28872

Fax: (703) 905-2500
Tel: (703) 905-2126

P.O. Box 10500
McLean, VA 22102
Tel: (703) 905-2000

Atty/Sec: DSL/VPH:ksh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT
APPLICATION

In re: PATENT APPLICATION of:

Inventor(s): KOJIMA et al.

Appln. No.: 09 658,501

Series Code ↑ Serial No. ↑

Filed: September 8, 2000

Title: SEMICONDUCTOR MANUFACTURING
SYSTEM HAVING A VAPORIZER WHICH
EFFICIENTLY VAPORIZES A LIQUID
MATERIAL

Group Art Unit 1763

Examiner: Karla A. Moore

Atty. Dkt. P 273851

EL00018CDC

M#

Client Ref

R
R C E
EDO NOT USE FOR PROVISIONAL,
DIVISIONAL, CIP OR DESIGN
APPLICATIONS, OR REEXAMINATION OF
PATENTSHon. Commissioner of Patents
Washington, D.C. 20231

Date: April 17, 2003

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER RULE 114

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Please continue the examination of this application.

PREREQUISITES

OFFICE OF PETITIONS

This application was filed on/after June 8, 1995, is not abandoned, and no court action has been filed, or if
filed, it has been terminated.An issue fee has not been paid (unless a petition under Rule 313(c)(2) is also being filed -- see item 4 below).Prosecution has been closed as defined in Rule 114(b).Reply to any outstanding action must be enclosed or previously filed.This application is entitled under Rule 114 to withdrawal of any outstanding finality or of any allowance plus a new
action by the Examiner. Consideration on the merits of each submission (e.g., IDS, Amendment, new arguments, new
evidence, but not appeal/reply briefs themselves) filed herewith is respectfully requested.

Please consider the following before the next Official Action:

1. Please ☒ enter ☐ do not enter the Amendment filed February 24, 2003
2. ☐ The enclosed new Amendment
3. ☐ Consider the arguments in the appeal brief filed _____ and reply brief filed _____
4. ☐ The issue fee has been paid, but this RCE is based on Rule 313(c)(2). See enclosed petition.
5. ☐ The enclosed Information Disclosure Statement

☐ IDS Letter
☐ PTO-1449

☐ Cited Appln

☐ Foreign Search Report/OA
☐ Cited Documents
6. ☐ Please suspend action under Rule 103(c) for a period of _____ months (3 mos. Max) for which charge the
required \$130 fee (fee code 098) to our Deposit Account (see below).
7. Petition is hereby made to extend the original due date of _____ to cover the
date this Request is filed. PLEASE CHARGE the requisite fee to our Deposit
Account (see below)

(1 mo)	\$110/\$55
(2 mos)	\$410/\$205 + 0
(3 mos)	\$930/\$465
8. PLEASE CHARGE the Rule 17(e) (RCE) filing fee of ☒ \$750 (lg. ent.) ☐ \$375 (sm. ent.) plus any
deficiency and any other fee due now or later to our Deposit
Account No. 03-3975 under Order No. 40258 / 273851

NOTE: Rule 17(e) filing fee Cannot be deferred!
NO CLAIMS FEE REQUIRED unless you are
adding claims by box 2 Amendment in which case
cover this with PAT-120.Pillsbury Winthrop LLP
Intellectual Property Group

By Atty: Dale S. Lazar

Reg. No. 28872

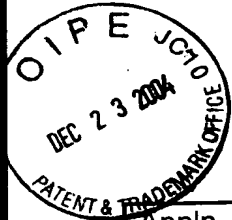
Sig:

Fax: (703) 905-2500
Tel: (703) 905-2126P.O. Box 10500
McLean, VA 22102(703) 905-2000
Atty/Sec: DSL/ksh

EXHIBIT 5

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Appln. No: 09/658,501	Atty: Dale S. Lazar/joyce hill
First Inventor: KOJIMA et al.	Date: July 21, 2003
SEMICONDUCTOR MANUFACTURING SYSTEM HAVING A VAPORIZER WHICH EFFICIENTLY VAPORIZES A LIQUID MATERIAL	Matter No: 273851
	Client No: 40258

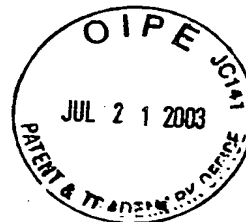
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ENCLOSED:

- ☐ Response/Amendment ☐ Appendix ☐ Cover Sheet ☐ Cited/Listed Documents
- ☐ Completion Request for R 53(f)/PCT Nat.
- # No. of Pages Abstract
- # No. of Pages Spec and Claims
- # No. of Numbered Claims Only
- # No. of Sheets of Drawings (Figs)
- ☐ 1 Set Formal ☐ 1 Set Informal ☐ Cover Letter
- ☐ Declaration # of pages
- ☐ Assignment ☐ Cover Sheet
- ☐ Small Entity Declaration
- ☐ Extension Petition (PAT-111)
- # ☐ No. of Priority Documents
- ☐ IDS Letter ☐ Cited Appln(s) ☐ Foreign Sch Rep/OA
- ☐ PTO-1449 ☐ Cited Documents
- ☐ Issue Fee Transmittal Form PTOL-85(b) in duplicate
- \$ Amount Requested be Charged to our Dep. Acct. No. 03-3975



OTHER:

REQUEST FOR WITHDRAWAL OF NOTICE OF ABANDONMENT; PHOTOCOPIES
OF RCE FILED APRIL 17, 2003 WITH DATE STAMPED RECEIPT

Current DUE DATE: July 21, 2003

(Submit Single Copy Only)

EXHIBIT 6

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RECEIPT FROM PTO FOR INDICATED ITEMS

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Use 2 postcards for all New Applications (including cont/Div/CIP)
Use this sheet when filing CPA or RCE

Appln. No: 09/658,501	Atty: Jeffrey D. Karceski
First Inventor: YASUHIKO KOJIMA	Date: May 6, 2004
Title: SEMICONDUCTOR MANUFACTURING SYSTEM A VAPORIZER WHICH EFFICIENTLY VAPORIZES A LIQUID MATERIAL	Attorney Docket No: 040258-0273851

ENCLOSED:

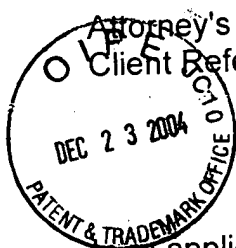
OTHER: STATUS REQUEST

CURRENT DUE DATE:

RECEIVED
DEC 30 2004
OFFICE OF PETITIONS

PATENT

Attorney's Docket No. 040258-0273851
Client Reference: EL00018CDC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: YASUHIKO KOJIMA,
HIROYUKI MORI, HIROFUMI ONO

Confirmation No.: 3068

Application No.: 09/658,501

Group No.: 1763

Filed: 09/08/2000

Examiner: Moore, Karla A.

For: SEMICONDUCTOR MANUFACTURING SYSTEM A VAPORIZER WHICH
EFFICIENTLY VAPORIZES A LIQUID MATERIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATUS INQUIRY

1. More than ten months have passed since the filing of a Request for Withdrawal of Notice of Abandonment on July 21, 2003. No further communication has been received from the Patent and Trademark Office.
2. Kindly advise the undersigned of the present status of this application, by checking the appropriate box on the next page.

Date: May 6, 2004
Registration No. 35914
PILLSBURY WINTHROP LLP
P.O. Box 10500
McLean, VA 22102
(703) 905-2110
Customer No.: 00909

A handwritten signature in black ink, which appears to read "Jeffrey D. Karceski". Below the signature is a horizontal line.

Jeffrey D. Karceski

STATUS INQUIRY REPLY

APPLICATION NO. 09/658,501 IS CURRENTLY

☐ ASSIGNED TO GROUP _____ AND AWAITS:

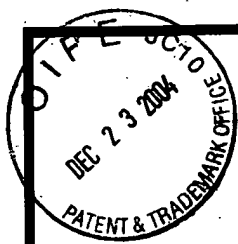
☐ ACTION BY THE EXAMINER.

☐ APPLICANT'S RESPONSE TO THE OFFICE ACTION MAILED

PILLSBURY WINTHROP LLP
P.O. Box 10500
McLean, VA 22102

EXHIBIT 7

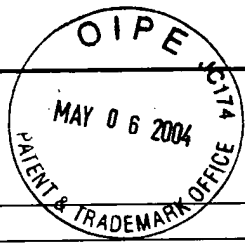
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Appln. No: 09/658,501	Atty: Jeffrey D. Karceski
First Inventor: YASUHIKO KOJIMA	Date: May 6, 2004
Title: SEMICONDUCTOR MANUFACTURING SYSTEM A VAPORIZER WHICH EFFICIENTLY VAPORIZES A LIQUID MATERIAL	Attorney Docket No: 040258-0273851



ENCLOSED:

OTHER:

CURRENT DUE DATE:

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